

### **REMARKS**

In response to the Office Action mailed March 16, 2004, Applicant respectfully requests reconsideration.

By this Amendment, Applicant amends claims 1-8 solely for clarification and adds claims 9-25. As a result, claims 1-21 are pending for Examination, of which claims 1, 6, 11 and 20 are independent.

#### **1. Claims 1-5 and 9 Patentably Distinguishes Over Ekchian**

Claim 1 stands rejected under 35 U.S.C. §102(b) as purportedly being anticipated by U.S. Patent No. 4,673,932 (Ekchian). Applicant respectfully traverses this rejection.

##### **1.1 Discussion of Ekchian**

Ekchian describes an interrogation system mounted on a cart 10. The cart can be wheeled down an aisle in a retail store alongside a display rack 12 bearing products to be inventoried. (Fig. 1; col. 3, lines 5-8). The interrogator system includes a transceiver under the control of a microprocessor 16. The transceiver transmits a pair of frequencies  $F_1$  and  $F_2$  corresponding to a given SKU. A packaged product 20 of the SKU being interrogated is equipped with a tag 22 which is resonant at the transmitted frequencies  $F_1$  and  $F_2$ . The tag simultaneously reradiates a third frequency signal  $F_3$ , which is captured by the antenna 18 and received by the transceiver 14. (Col. 3, lines 9-17; Fig. 2). The strength of the reradiated signal at  $F_3$  is measured and stored as the cart 10 rolls along the display rack 12. (Col. 3, lines 17-19).

A signal-radiating tag, for example, tag 22 in Fig. 9, produces a radiated field with an intensity which exhibits an exponential distribution over the x-axis as shown in the graph of Fig. 11.  $H(x)$  represents the signal strength. (Col. 5, lines 44-48; Figs. 9 and 11). If the cart 10 is rolled along direction x from right to left in Fig. 9, the strength of the received signal is distributed over the x-axis as shown in the graph of  $E(x)$  in Fig. 13. (Col. 5, lines 53-58; Figs. 9 and 13). Ekchian shows determining the exact total number (T) of products on a shelf by dividing an integral of the strength of the received signal ( $E(x)$ ) by a measured constant related to the signal pattern ( $H(x)$ ) radiated by each product. (Col. 5, lines 59-66; Col. 6, lines 1-59; Figs. 9-13).

Contrary to the assertions of the Office Action, Ekchian does not teach or suggest means for evaluating, based on a measurement of a current in an oscillating circuit, a *minimum number*

of transponders present in an electromagnetic field. Rather, Ekchian describes determining an *exact number* of products on a rack.

1.2 Claim 1 Patentably Distinguishes Over Ekchian

Claim 1 has been amended as shown above solely for clarification, not in response to any rejection set forth in the Office Action or any art of record.

Claim 1 patentably distinguishes over Ekchian because Ekchian does not teach or suggest a terminal for generating a high-frequency electromagnetic field by means of an oscillating circuit, adapted to cooperate with at least one transponder when said transponder enters the electromagnetic field, and including, *inter alia*, means for evaluating, based on a measurement of a current in the oscillating circuit, a *minimum number* of transponders present in the electromagnetic field, as recited in claim 1. Rather, Ekchian describes evaluating an *exact number* of products present on a rack.

In view of the foregoing, claim 1 is not anticipated by Ekchian. Accordingly, Applicant respectfully requests that the rejection of claim 1 under §102(b) be withdrawn. Claims 2-5 and 9 each depend from claim 1 and are patentable for the same reasons. Accordingly, Applicant respectfully requests that the rejections of claims 2-5 under §102(b) as being anticipated by Ekchian be withdrawn.

2. Claims 6-8 and 10 Patentably Distinguishes Over Ekchian

Claim 6 stands rejected under 35 U.S.C. §102(b) as being anticipated by Ekchian. Applicant respectfully traverses this rejection.

Claim 6 has been amended as shown above solely for clarification, and not in response to any rejections set forth in the Office Action or any art of record.

Claim 6 patentably distinguishes over Ekchian because Ekchian does not teach or suggest all of the limitations recited in claim 6. Specifically, as should be clear from the discussion of Ekchian above in Section 1.1, Ekchian does not teach or suggest a method of establishing at least one communication between a terminal generating a high-frequency electromagnetic field and a transponder, including, *inter alia*, evaluating, based on a measurement of a current in an oscillating circuit of the terminal, a minimum number of transponders likely to be present in the electromagnetic field, as recited in claim 6.

In view of the foregoing, claim 6 is not anticipated by Ekchian. Accordingly, Applicant respectfully requests that the rejection of claim 6 under §102(b) be withdrawn. Claims 7-8 and  
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10 each depend from claim 6 and are patentable for at least the same reasons. Accordingly, Applicant respectfully requests that the rejections of these claims be withdrawn.

**3. New Claims 11-25 Patentably Distinguish Over Ekchian**

As should be clear from the above discussion in Section 1, Ekchian does not teach or suggest determining a minimum number of transponders present in an electromagnetic field based on a comparison of a measured current with a reference value.

Claim 11 patentably distinguishes over Ekchian because Ekchian does not teach or suggest a terminal adaptor to generate an electromagnetic field and to communicate with at least one transponder that is present in the electromagnetic field, the terminal comprising: an oscillating circuit; a first circuit to measure the current in the oscillating circuit; and a second circuit *to determine, based at least in part on the measured current, a minimum number of transponders present in the electromagnetic field*, as recited in claim 11.

Claim 20 patentably distinguishes over Ekchian because Ekchian does not teach or suggest a method of determining a number of transponders present in an electromagnetic field generated by a terminal including an oscillating circuit, the method comprising: measuring a current in the oscillating circuit; and *determining, based on a comparison of the measured current with a reference value, a minimum number of transponders present in the electromagnetic field*.

In view of the foregoing, claims 11 and 20, and their respective dependent claims 12-19 and 21-25 are in condition for allowance.

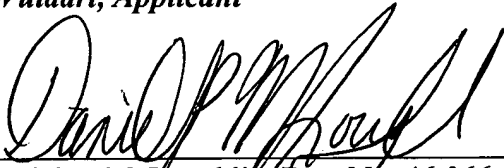
**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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